



TREASURY DEPARTMENT

BUREAU OF CUSTOMS

WASHINGTON 25

April 1, 1952

IN REPLY REFER TO

633.3

RESTRICTED - SECURITY INFORMATION

BUREAU OF CUSTOMS CIRCULAR LETTER

TO COLLECTORS OF CUSTOMS, APPRAISERS OF MERCHANDISE, AND
SUPERVISING CUSTOMS AGENTS:

SUBJECT: Importations of Political Propaganda.

Attention is invited to the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611-621), relating to the registration of foreign agents and the dissemination of political propaganda material in the United States.

In response to requests of this Department as to the action to be taken with respect to foreign propaganda material arriving in the United States from abroad in the mails and otherwise than through the mails, e.g., freight, express, etc., the Department of Justice in a letter dated March 2, 1951, expressed the opinion that certain Communist propaganda publications are unavailable in view of the opinion of the Attorney General dated December 10, 1940 (39 Op. Atty. Gen. 535). The essence of this opinion is that the sending of propaganda to the United States by an unregistered agent of a foreign principal in violation of the Foreign Agents Registration Act amounts to a violation of a penal statute, as provided for in section 957 of title 18, United States Code, and that under authority of section 1717 of title 18, United States Code, the Postmaster General may bar such propaganda from the mails under conditions that (1) there must be propaganda mailed to this country by an unregistered foreign agent, and (2) the propaganda dispatched to this country must be in aid of a foreign government.

In a communication dated March 19, 1952, the Department of Justice expressed the further opinion that propaganda material arriving in the United States from abroad otherwise than through the mails may be seized as an importation contrary to law under section 545 of title 18, United States Code, and may be summarily forfeited. That Department stated that this opinion is based on Rule 50 (28 CFR 5.50) promulgated pursuant to the Foreign Agents Registration Act, which rule provides that any person not within the United States who uses any means or instrumentality of interstate or foreign commerce within the United States to disseminate any political propaganda shall be regarded as acting within the United States and subject to the provisions of that Act.

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The opinion was further expressed that if the consignor has not complied with the registration requirements of section 2 and the filing and labeling requirements of section 4 of the Foreign Agents Registration Act, as amended (22 U.S.C. Supp. 14, 612 and 22 U.S.C. 614), the propaganda publications may be seized as an importation contrary to law (18 U.S.C. 545).

The term "political propaganda" is defined in section 1(j) of the Foreign Agents Registration Act (22 U.S.C. 611(j)), a copy of which is enclosed.

Political propaganda publications emanating from Communist-controlled countries can be presumed to be transmitted by an agent of a foreign principal and, unless destined to a person registered under the Foreign Agents Registration Act, is subject to seizure. Four Continent Book Corporation, Imported Publications and Products, Polish Press News Agency, and Art Kino Pictures, Inc., all of New York City, are the only agents registered under the said act which have so far received substantial amounts of political propaganda material from Communist-controlled countries. The principal Communist-controlled countries are Albania, Bulgaria, Hungary, Poland, Rumania, Czechoslovakia, Union of Soviet Socialist Republics, Eastern Zone of Germany, Russian Zone of Austria, China (except Formosa), and North Korea.

All political propaganda publications arriving in the United States from Communist-controlled countries and not destined to an agent registered under the Foreign Agents Registration Act shall be disposed of as follows:

(a) If arriving through the mails, such publications shall be returned to the Postmaster for appropriate disposition in accordance with the opinion of the Attorney General dated December 10, 1940 (39 Op. Atty. Gen. 535).

(b) If arriving otherwise than through the mails, such publications shall be seized as an importation contrary to law under 18 U.S.C. 545, and summarily forfeited under sections 607-609, Tariff Act of 1930, and section 23.16, Customs Regulations of 1943.

All forfeited propaganda publications, not exceeding 50 copies of any one publication, shall be sent to the Chief, Exchange and Gift Division, Section 2, Library of Congress, Washington 25, D. C., pursuant to the authority contained in section 614(d) of title 22, United States Code. Copies of such forfeited publications in excess of 50 shall be destroyed.

Frank B. Jones
Commissioner of Customs

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Section 1(j) of the Foreign Agents Registration Act (22 U.S.C. 611(j)), reads as follows:

The term "political propaganda" includes any oral, visual, graphic, written, pictorial, or other communication or expression by any person (1) which is reasonably adapted to, or which the person disseminating the same believes will, or which he intends to, prevail upon, indoctrinate, convert, induce, or in any other way influence a recipient or any section of the public within the United States with reference to the political or public interests, policies, or relations of a government of a foreign country or a foreign political party or with reference to the foreign policies of the United States or promote in the United States racial, religious, or social dissensions, or (2) which advocates, advises, instigates, or promotes any racial, social, political, or religious disorder, civil riot, or other conflict involving the use of force or violence in any other American republic or the overthrow of any government or political subdivision of any other American republic by any means involving the use of force or violence. As used in this subsection the term "disseminating" includes transmitting or causing to be transmitted in the United States mails or by any means or instrumentality of interstate or foreign commerce or offering or causing to be offered in the United States mails.